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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,030	07/15/2003	Dallas Wynne	10739.18.100	7531
22859	7590	04/22/2004	EXAMINER	
INTELLECTUAL PROPERTY GROUP FREDRIKSON & BYRON, P.A. 4000 PILLSBURY CENTER 200 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402			OLSON, LARS A	
			ART UNIT	PAPER NUMBER
			3617	
DATE MAILED: 04/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/620,030

Applicant(s)

WYNNE, DALLAS

Examiner

Lars A Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10302003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 5,664,515).

Hattori et al. discloses the same watercraft as claimed, as shown in Figures 1-5, that is comprised of a hull, defined as Part #12, a deck, defined as Part #14, a propulsion device, defined as Part #39, an engine, defined as Part #36, and an air ventilation system, as shown in Figures 1 and 2, that is comprised of a means for circulating air in the hull of said watercraft. Said air circulating means is further comprised of first and second pipes, defined as Part #59, each having an intake port, defined as Part #57, and an outlet port, as shown in Figure 3, where said intake ports are located on opposite sides of said watercraft, and said pipes cross over each other, as shown in Figure 2, to provide outlet ports on opposite sides of said watercraft from each of said pipes respective intake ports. Said watercraft is also provided with a deck shroud, defined as Part #17, that covers the intake ports of said first and second pipes, as shown in Figures 3 and 5, as well as a seat, defined as Part #29, and a

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control assembly, defined as Part #31. Said outlet ports of said pipes are also located next to a fuel tank, defined as Part #61, as shown in Figure 1.

3. Claims 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al. (US 6,322,409).

Hattori et al. discloses the same watercraft as claimed, as shown in Figures 1 and 2, that is comprised of a hull, defined as Part #22, a deck, defined as Part #27, a propulsion device, defined as Part #48, an engine, defined as Part #31, and an air ventilation system that consists of a single first pipe, defined as Part #56, with an intake port located on a first side of the deck of said watercraft, and an outlet port located on a second side of said watercraft.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 10-18, 21, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 5,664,515).

Hattori et al., as set forth above, discloses all of the features claimed except for the use of first and second pipes with adjacent intake ports on a first side of a watercraft and outlet ports on a second side of said watercraft, as well

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as first and second pipes that extend substantially side-by-side through said watercraft.

The use of first and second air ventilation pipes with adjacent intake ports on a first side of a watercraft and outlet ports on a second side of said watercraft would be considered by one of ordinary skill in the art to be a design choice based upon the exterior shape of said watercraft and the volume of air ventilation required by said watercraft in order to function properly.

The use of first and second air ventilation pipes that extend substantially side-by-side through a watercraft would also be considered to be a design choice based upon the internal component configuration within said watercraft and the space required to fit two air ventilation pipes within the hull of said watercraft.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize first and second air ventilation pipes that extend substantially side-by-side over their entire length through a watercraft instead of first and second air ventilation pipes that cross each other in the watercraft as disclosed by Hattori et al. for the purpose of providing first and second air ventilation pipes that are placed more efficiently within the hull of a watercraft.

6. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 6,322,409).

Hattori et al., as set forth above, discloses all of the features claimed except for the use of an air ventilation pipe with multiple outlet ports that are

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located either on the same side of a watercraft, or on opposite sides of said watercraft.

The use of a watercraft air ventilation pipe with multiple outlet ports would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing airflow to more than one location within the hull of a watercraft.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize an air ventilation pipe with multiple outlet ports in combination with the watercraft as disclosed by Hattori et al. (US 6,322,409) for the purpose of providing air ventilation to multiple positions within the hull of a watercraft directed from a single air intake in order to reduce drag caused by multiple air intakes.

7. Claims 9, 19 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al. (US 5,664,515) in view of Suzuki et al. (US 6,139,381).

Hattori et al., as set forth above, discloses all of the features claimed except for the use of an air ventilation pipe that is located in a stern region of the deck of a watercraft.

Suzuki et al. discloses a watercraft, as shown in Figures 1 and 2, having an air ventilation system with a first pipe, defined as Part #29, that is located in a bow region of the deck of said watercraft, as shown in Figure 2, and a second pipe, defined as Part #30 or 31, that is located in a stern region of the deck of said watercraft, as shown in Figure 2.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize an air ventilation system having a first pipe that is located in the bow of a watercraft, and a second pipe that is located in the stern of said watercraft, as taught by Suzuki et al., in combination with the watercraft as disclosed by Hattori et al. (US 5,664,515) for the purpose of providing an air ventilation means for both an engine and an exhaust system of a watercraft.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ishino (US 6,435,924), Lecours (US 6,419,533), Nanami et al. (US 6,089,932) and Ozawa et al. (US 6,022,253) all disclose watercraft with air ventilation pipes for directing air within the hull of said watercraft.

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

April 20, 2004

**LARS A. OLSON
PATENT EXAMINER**
4/20/04